

06-26-03

CPA/1600
PTO/SB/29 (10/00)

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
 DUPLICATE

Address to:	Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No. <small>of Prior Application</small> First Named Inventor Examiner Name Group/Art Unit Express Mail Label No.	RECEIVED JUN 27 2003 TECH CENTER 1600/2900
		674522-2001.1 EPSTEIN et al. Dong Jiang 1646 EV 286857544 US	

This is a request for a continued prosecution application (CPA) of prior application number 09/478,621, filed on January 5, 2000, entitled INHIBITING MICRODEVELOPMENT OF MICROVESSELS WITHIN CORONARY OR PERIPHERAL VESSEL WALLS FOR RESTENOSIS/ATHEROSCLEROSIS PREVENTION OR THERAPY.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on _____ under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

06/27/2003 BABRAHA1 00000034 09478621

01 FC:2006	375.00 OP
02 FC:2202	36.00 OP
03 FC:2201	84.00 OP
04 FC:2255	985.00 OP

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR. 1.16(c) or (j))	24 - 20* =	4	x \$ 84 =	\$ 72.00
	INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i))	5 - 3** =	2	x \$ 84 =	168.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	0.00
				BASIC FEE (37 C.F.R. § 1.16)	750.00
				Total of above Calculations =	\$ 990.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				- 495.00
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent			TOTAL =	\$ 495.00

6. Small entity status: Applicant claims small entity status. (See 37 CFR 1.27)

7. The Commissioner is hereby authorized to credit overpayments or charge additional fees to Deposit Account No. 50-0320

- a. Fees required under 37 C.F.R. 1.16.
- b. Fees required under 37 C.F.R. 1.17.
- c. Fees required under 37 C.F.R. 1.18.

8. A check in the amount of \$1480.00 is enclosed (\$495.00 for filing of CPA; \$985.00 for extension of time)

9. Payment by credit card. Form PTO-2038 is attached.

10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
 b. Return Receipt Postcard (Should be specifically itemized, See MPEP 503).

13. Other: **REQUEST FOR EXTENSION OF TIME:** A Notice of Appeal was filed on November 19, 2002 and was received by the Patent Office on November 25, 2002, thereby setting the extendable, two-month period for filing an appeal brief to as expiring on January 25, 2003. Pursuant to 37 C.F.R. §§1.136(a) and 1.17(a), it is respectfully requested that the period for filing an Appeal Brief be extended five months, i.e., up to and including June 25, 2003. The accompanying check includes \$985.00 in payment of the fee therefore by a small entity. The Commissioner is hereby authorized to charge any additional fee to Deposit Account 50-0320.

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NOTE:

*The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label			20999 PATENT TRADEMARK OFFICE (Insert Customer No. or Attach bar code label here)	or <input type="checkbox"/> New correspondence address below	
Name	FROMMER LAWRENCE & HAUG LLP				
Address	745 Fifth Avenue				
City	New York	State	NY	Zip Code	10151
Country	U.S.	Telephone	(212) 588-0800		Fax (212) 588-0500

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas J. Kowalski Angela M. Nigro-Collison
Signature	Thomas J. Kowalski by Angela M. Nigro-Collison
Registration No. (Attorney/Agent)	32,147 51,107
Date	June 23, 2003

CERTIFICATE OF MAILING - SEPARATE PAPER - PATENT APPLICATION

Attorney Docket No. : 674522-2001.1

Title



**INHIBITING DEVELOPMENT OF MICROVESSELS
WITHIN CORONARY OR PERIPHERAL VESSEL WALLS
FOR RESTENOSIS/ATHEROSCLEROSIS PREVENTION
OR THERAPY**

Filed : January 5, 2000

Applicants : EPSTEIN, et al.

Mailed: **JUNE 25, 2003** via "Express Mail Label # **EV286857544US**

I hereby certify that the following papers for the above-referenced application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MAIL STOP: CPA
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

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Enclosed: Continued Prosecution Application Transmittal
Preliminary Amendment
Check Number 027088 in the amount of \$1,480.00
Return Receipt Postcard

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Charles Jackson
(Type/printed name of person mailing paper or fee)

Charles Jackson
Signature